

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion and present amendments, is respectfully requested.

Claims 1-3 and 19-33 are pending in the present application, Claims 3, 32, and 33 having been amended. The amendments to Claims 3, 32, and 33 are self-evident and go only to matters of form. No new matter is added and no new search is required. Accordingly, the present amendment should be entered.

In the outstanding Office Action, Claims 1-3 and 19-33 were rejected under 35 U.S.C. §102(b) as anticipated by Benson et al. (U.S. Patent No. 5,845,281, hereinafter Benson).

With respect to the rejection of Claim 1 as anticipated by Benson, Applicants respectfully traverse the rejection.

Claim 1 recites:

An apparatus for managing using condition information corresponding to content data, comprising:

means for receiving said using condition information described in a first format, the using condition information indicating usage rules corresponding to the content data;

means for converting said first format of said using condition information into a second format, said second format being different from the first format; and

means for transmitting the using condition information described in the second format.

Benson does not teach or suggest, at least, “means for converting said first format of said using condition information into a second format, said second format being different from the first format” of Claim 1.

In a non-limiting embodiment of the claimed invention, the conversion means converts using condition information from a first format into second format so that a component (such as a player application or portable device) only supporting the second format of usage condition can also utilize the content with the usage condition in the first

format by converting the usage condition information from the first format to the second format.

The outstanding Office Action equates the claim element “means for receiving said using condition information” to conditions for usage 42 of Benson.¹ The outstanding Office Action equates the claim element “means for converting said first format of said using condition information into a second format” to converting the file format of data object 24.² The outstanding Office Action inconsistently equates items in Benson to the claim elements.

Benson establishes that the conditions for usage 42 and the data object 24 are different. Conditions for usage 42, or the usage data file, represent conditions for the use of data object 24.³ The usage information may comprise “the kind of user who is authorized to use the data object, the price for different usages of the object etc.”⁴

Furthermore, Claim 1 recites “the using condition information indicating usage rules corresponding to the content data.” Thus, Claim 1 also establishes that the content data and the using condition information are different.

The outstanding Office Action in the Response to Arguments section states “Benson discloses a means for converting format.”⁵ However, Claim 1 does not require only a means for converting format. Claim 1 recites “means for converting said first format of said using condition information into a second format.” Benson does not describe or suggest converting the first format of the using condition information into a second format, different from the first format.

The outstanding Office Action relies on Benson’s disclosure of converting the format of the data object, which is different from “using condition information” as discussed above.

¹ Office Action, November 14, 2005, page 2.

² Office Action, November 14, 2005, page 2-3 and 4-5.

³ Benson, col. 7, lines 15-18.

⁴ Benson, col. 7, lines 64-66.

⁵ Office Action, November 14, 2005, page 4, Response to Arguments.

Benson does not describe or suggest converting the format of conditions for usage 42 into a second format, different from a first format.

Furthermore, Fig. 14, item 1406 only refers to a format module. Format module 1406 includes program code that is necessary to handle data objects in their native format. Benson does not describe or suggest that format module 1406 converts the first format of the using condition information into a second format.

In a data packaging program, the format modules are used to convert the format of the data object into a format required by content providers, such as from BMP files to GIF files, but not to convert the format of usage conditions.⁶

Moreover, the outstanding Office Action relies on Benson's disclosure of "program 35 never stores the object data in native format in user accessible storage" (emphasis added) to support the position that Benson discloses the claimed "means for converting said first format of said using condition information into second format."⁷ Benson, by its own admission, is only converting the format of the data object. In user program 35, the usage manager module uses a data object by applying the format of the data object used in the corresponding data packaging program.⁸ Benson does not convert the format of the using condition information from a first format to a second format.

Benson only discloses that the data packaging program converts the format of the data object (not the usage conditions) based on specified format code.⁹ Converting the format of the data object does not describe or suggest the claimed "means for converting said first format of said using condition information into a second format, said second format being different from the first format" (emphasis added). The data object is different than the usage conditions as established above.

⁶ Benson, col. 6, lines 40-43, col. 7, lines 58-59, and col. 8, lines 12-14.

⁷ Office Action, November 14, 2005, page 4-5.

⁸ Benson, col. 11, 50-56.

⁹ Benson, col. 6, lines 40-43, col. 7, lines 54-64, and 409 of Fig. 4.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 patentably distinguishes over Benson. In addition, independent Claims 2, 3, 19-21, 26, 32, and 33 include elements similar to those of Claim 1. Accordingly, Applicants respectfully submit that Claims 19-21, 26, 32, and 33 (and Claims 22-25, and 27-31) patentably distinguish over Benson for at least the reasons stated for Claim 1.

Finally, Applicants respectfully request that the reference on line AO of the Information Disclosure Statement (IDS) filed on September 12, 2005 be considered on the record by the Examiner. The reference on line AO of the IDS is a Chinese Patent Publication, which is not written in English. However, the reference on line AO was cited in a Chinese Office Action for the Chinese counterpart of the present application. An English translation of the Chinese Office Action was filed along with the IDS. The English translation of the Chinese Office Action serves as a statement of relevancy for the Chinese language reference on line AO of the IDS. Thus, Applicants respectfully request that the reference cited on line AO of the IDS filed September 12, 2005 be considered on the record, and that the Examiner send the undersigned an initialed PTO-1449 form to that effect.

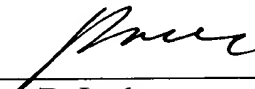
Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Joseph Wrkich
Registration No. 53,796